

# Town of Tiburon STAFF REPORT

AGENDA ITEM   E2  



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TO:                   **DESIGN REVIEW BOARD**

FROM:               **PLANNING MANAGER WATROUS**

SUBJECT:           **1970 STRAITS VIEW DRIVE; FILE #20538**  
**SITE PLAN AND ARCHITECTURAL REVIEW FOR THE**  
**CONSTRUCTION OF A PARKING DECK AND STORAGE STRUCTURE,**  
**WITH VARIANCES FOR REDUCED FRONT AND SIDE YARD**  
**SETBACKS AND EXCESS BUILDING HEIGHT**

MEETING DATE:   **NOVEMBER 3, 2005** \_\_\_\_\_

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**PROJECT DATA:**

<b>ADDRESS:</b>	<b>1970 STRAITS VIEW DRIVE</b>
<b>ASSESSOR'S PARCEL:</b>	<b>059-091-26</b>
<b>FILE NUMBER:</b>	<b>20538</b>
<b>PROPERTY OWNER:</b>	<b>PATRICIA CUMMINGS</b>
<b>APPLICANT:</b>	<b>G. THOMAS TELFER (ARCHITECT)</b>
<b>LOT SIZE:</b>	<b>30,511 SQUARE FEET</b>
<b>ZONING:</b>	<b>RO-2 (SINGLE-FAMILY RESIDENTIAL-OPEN)</b>
<b>GENERAL PLAN:</b>	<b>MEDIUM DENSITY RESIDENTIAL</b>
<b>FLOOD ZONE:</b>	<b>C</b>
<b>DATE COMPLETE:</b>	<b>OCTOBER 13, 2005</b>

**PRELIMINARY ENVIRONMENTAL DETERMINATION**

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15303.

**PROPOSAL**

The applicant is requesting Design Review approval for the construction of a new detached parking deck and storage building on property located at 1970 Straits View Drive. The property is currently developed with single-family dwelling.

The proposed parking deck would be constructed near street level in the northwest corner of the property. An existing parking deck at this location would be demolished. A 325 square foot enclosed area for storage of garden supplies would be situated below the parking deck. A new wooden fence and pedestrian entry gate would be constructed adjacent to the parking deck. A heritage-sized Eucalyptus tree to the rear of the parking deck would be removed.



# Town of Tiburon

## STAFF REPORT

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The lot coverage resulting from the proposed project would be 1,923 square feet (6.3%), which is less than the 15.0% maximum lot coverage permitted in the RO-2 zone. The 325 square foot storage addition would increase the calculated floor area of the house to 3,689 square feet, which is less than the floor area ratio for a lot of this size.

The proposed parking deck would be situated within 1 foot, 4 inches of the front property line and within 5 feet of the northern side property line. As a 30 foot front yard setback and a 15 foot side yard setback are required in the RO-2 zone, variances are requested for reduced front and side yard setbacks.

The proposed structure would have a maximum height of 25 feet. As the maximum building height for accessory structures is 15 feet, a variance is also requested for excess accessory structure height.

A color and materials board has not been submitted, as the parking deck and storage area would be finished to match the exterior of the existing house.

### ANALYSIS

#### Design Issues

The existing parking deck provides the only off-street parking spaces for this property. The site slopes away from the street along most of its frontage, making it difficult to access a parking structure elsewhere on the property.

The existing parking deck is also situated within the required front and side yard setbacks. This location was approved under a previous variance (File #27231) granted in 1972.

The existing and proposed parking decks would be only marginally visible from the nearby home at 1945 Straits View Drive, but would not intrude into any significant views from that residence. The proposed storage area is minor in nature for a lot of this size, and would create a useful storage area for garden equipment in this portion of the site.

#### Zoning

Staff has reviewed the proposal and finds it to be in conformance with the development standards for the RO-2 zone with the exception of the previously noted variances for reduced front and side yard setbacks and excess accessory structure height.

#### Variance

In order to grant the requested variances, the Board must make all of the following findings required by Section 4.03.05 of the Tiburon Zoning Ordinance:

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this***

# Town of Tiburon

## STAFF REPORT

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***Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

The subject property slopes sharply down from Straits View Drive, which would cause parking structures that comply with the required front yard setback to be farther from the street than is possible for other properties in the vicinity and generally in the RO-2 zone. The slope also causes any structures close to the street to reach measured heights greater than that normally necessary for parking structures. Therefore, these physical characteristics are special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity if the subject variance is not granted.

- 2. *The variance will not constitute a grant of special privileges, inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.***

Numerous other properties in the vicinity and in the RO-2 zone in Tiburon have received variances for reduced setbacks and excess building heights, particularly on lots with steep frontages similar to that on the subject property.

- 3. *The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.***

The location of the proposed parking deck in compliance with the required front and side yard setbacks and in compliance with the maximum building height requirement would create practical difficulties in constructing driveways with excessive slope to reach the structure further downhill.

- 4. *The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.***

The proposed structure would be situated well below and out of the sight lines for neighboring homes, and therefore would not be detrimental to other homes in the vicinity.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variances.

### Public Comment

As of the date of this report, no letters have been received regarding the subject application.

### RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 4.02.07 (Guiding Principles) and determine that the project is exempt from the provisions of the



# Town of Tiburon

## STAFF REPORT

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California Environmental Quality Act (CEQA) as specified in Section 15303. If the Board wishes to approve the project, Staff would recommend that the attached conditions of approval be applied.

### ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

# Town of Tiburon

## STAFF REPORT

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### CONDITIONS OF APPROVAL

#### 1970 STRAITS VIEW DRIVE

#### FILE #20538

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on October 4, 2005, or as amended by these conditions of approval. Any modifications to the plans of October 4, 2005, must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All exterior lighting fixtures must be down light type fixtures.
7. All requirements of the Town Engineer shall be met.